EXHIBIT C TO PLAINTIFF'S RESPONSE TO MOTION TO QUASH AND CROSSMOTION TO EXPAND SCOPE OF DISCOVERY THIS EHIBIT IS MARKED AS CONFIDENTIAL IN ACCORDANCE WITH PTO #12 ENTERED IN MDL 1968

UNITED STATES DISTRICT COURT

DISTRICT OF WEST VIRGINIA

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IN RE: DIGITEK PRODUCTS : MDL

LIABILITY LITIGATION : 1968

(This document relates to all cases.)

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CONFIDENTIAL - SUBJECT TO FURTHER

CONFIDENTIALITY REVIEW

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ANTHONY DELICATO

New York, New York

Thursday, May 28, 2009

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REPORTED BY: DANA N. SREBRENICK, CRR CLR

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GOLKOW TECHNOLOGIES, INC.

877.370.3377 ph | 917.591.5672 fax

deps@golkow.com

JOB NO. 15697

Transcript of the deposition of ANTHONY DELICATO, called for Oral Examination in the above-captioned matter, said deposition taken pursuant to Superior Court Rules of Practice and Procedure by and before DANA N. SREBRENICK, a Federally-Approved Certified Realtime and Livenote Reporter, and Notary Public for the State of New York, at the offices of HARRIS BEACH PLLC, 100 Wall Street, 23rd Floor, New York, New York, commencing at 9:15 a.m.

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APPEARANCES:

MOTLEY RICE LLC
BY: FRED THOMPSON III, ESQUIRE
MEGHAN JOHNSON CARTER, ESQUIRE
28 Bridgeside Boulevard
Mt. Pleasant, South Carolina 29464
(843) 216-9118
fthompson@motleyrice.com
Counsel for MDL Plaintiffs' Steering Committee

FRANKOVITCH, ANETAKIS, COLANTONIO & SIMON
BY: CARL N. FRANKOVITCH, ESQUIRE
337 Penco Road
Weirton, West Virginia 26062
(304) 732-4400
carl@facslaw.com
Counsel for MDL Plaintiffs' Steering Committee and West Virginia Plaintiffs

LEVIN, FISHBEIN, SEDRAN & BERMAN
BY: MICHAEL M. WEINKOWITZ, ESQUIRE
510 Walnut Street, Suite 500
Philadelphia, PA 10106-3697
(215) 592-1500
mweinkowitz@lfsblaw.com
Counsel for New Jersey and Pennsylvania Plaintiffs

THE MILLER FIRM LLC
BY: PETER A. MILLER, ESQUIRE
108 Railroad Avenue
Orange, Virginia 22960
(540) 672-4224
pmiller@doctoratlaw.com
Counsel for Pennsylvania Plaintiffs

ALLEN GUTHRIE & THOMAS, PLLC
BY: ZACKARY B. MAZEY, ESQUIRE
500 Lee Street East, Suite 800
Charleston, West Virginia 25301
(304) 720-4226
zbmazey@agmtlaw.com
Counsel for West Virginia Actavis Defendants

APPEARANCES:

TUCKER ELLIS & WEST, LLP
BY: MATTHEW P. MORIARTY, ESQUIRE
JULIE A. CALLSEN, ESQUIRE
1150 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1414
(216) 696-2276
matthew.moriarty@tuckerellis.com
julie.callsen@tuckerellis.com
Counsel For Actavis Defendants

HARRIS BEACH, PLLC
BY: STEVEN A. STADTMAUER, ESQUIRE
100 Wall Street
New York, New York 10005
(212) 687-0100
sstadtmauer@harrisbeach.com
Counsel for New York and New Jersey
Actavis and Mylan Defendants

SHOOK, HARDY & BACON
BY: ERICKA DOWNIE, ESQUIRE
1155 F Street, NW, Suite 200
Washington DC 20004
(202) 662-4864
edownie@shb.com
Counsel for Mylan Defendants

THE VIDEOGRAPHER:
Robert McDonald

- - -

to the -- it looks as though there's a reverse chronology of prior experience --

A. That's correct.

Q. -- that starts with Wyman-Gordon and then proceeds up to employment at Alpharma Inc. Purepac.

Do you see that?

A. Yes.

Q. Can we rely on that information as being accurate?

A. The information on this resumé is accurate, yes.

Q. What you're telling me, that up to the date of the drafting of this resumé, the employment history and the various skills and the various positions that are restated under each employment location are accurate?

A. Yes.

Q. So if we look at this, at the time this resumé was produced, you were in a position entitled "site director quality assurance" at -- and you call it Actavis (Alpharma/Purepac), Elizabeth, New Jersey.

A. That's correct.

Q. That's the position you were in?

A. Yes.

Q. And is that your current position?

A. No.

Q. Matt always teaches me about precision in questioning, so let me make sure I don't jump something.

What is the next position that you went to following being the site director-quality assurance?

A. I was quality assurance director for New Jersey solid oral dose operations.

Q. Now, you have identified a -- you've called it New Jersey. And, of course, New Jersey does not appear as any entity in the list of Actavis entities.

Do you agree with that?

A. Yes.

Q. So tell me who you worked for in that position.

A. I was employed by Actavis

Elizabeth LLC.

Q. Uh-huh.

A. I had responsibilities both at the Elizabeth plant and the Totowa facility.

Q. Do you recall the date that you went to that job?

A. May of 2008.

Q. Prior to May of 2008, did you have any responsibility for Actavis Totowa?

A. No, I did not.

Q. Prior to May of 2008, did you have occasion to perform any job duty at the Little Falls plant for Actavis Totowa?

A. No, I did not.

Q. Prior to May of 2008, were you in any chain of command that people at the Little Falls plant would report through in the fulfillment of their responsibilities for quality control/quality assurance?

A. That they would report to me?

Q. Yes, sir.

A. No, I did not.

Q. Prior to May of 2008, did you receive briefings, memos, or any other

Q. Well, there was you; that's one.
A. Okay.
Q. Mr. Washington is two; Ms. Lambridis is three.
A. Okay.
Q. Maybe I should count you as the origin, so two steps.
A. That's correct then.
Q. Let me ask you a summary question and then we'll move on.
Mr. Delicato, prior to May of 2008, what are the sources of your information as regards quality assurance and quality -- and compliance at the Little Falls plant of Actavis Totowa LLC?
MR. MORIARTY: Objection to form.
Go ahead and answer.
A. It was limited to conversations and communications from Phyllis Lambridis.
Q. Did you ever physically visit this plant prior to May of 2008? And when I say "this plant," I mean the Little Falls

plant.

A. Yes. I had one or two meetings at that facility.

Q. And did you ever tour the plant floor, the production floor?

A. No, I did not.

Q. In order -- and you understand that we're concerned in our questions with the period that really commences about 2004 into 2008 as far as organizations.

What is your source of information with regard to the personnel, with regard to the processes and procedures for quality assurance at the Little Falls plant of Actavis Totowa that you're prepared to speak to today as the 30(b)(6) representative of Actavis?

A. My source is understanding those structures are from organizational charts, and also communications with existing employees during my transition when I began at that site.

Q. Anything else?

A. No.

to talk about. But this one is Actavis Totowa Manufacturing Operations.

Do you see that?

A. Yes.

Q. Now, this gets me back to something that I talked with Mr. Fitzpatrick about. And that is that there is -- in these organizational charts, there's no breakdown along product lines, is there?

A. No, there's not.

Q. So when I see the various supervisors, and I see the various operators in these columns -- do you see that?

A. Yes.

Q. These supervisors would be supervising whatever solid medication was on the production list for the production schedule for that production period; is that right?

A. Yes. They would be working on a given product that was scheduled for a given day, yes.

Q. So, on day 1 -- let me find the supervisor, that I can not butcher his name.

Let's say Mr. -- Canberra? Is that -- I'm having trouble reading this.

Well, there -- is it Mr. Patel? A supervisor? The second guy over. Do you see what I'm saying?

A. Yes.

Q. Mr. Patel. He's a supervisor; is that right?

A. That's correct.

Q. On day 1 through day 5, Mr. Patel may be in charge of a production of medication A. And on day 6 to day 10, he may be a supervisor in charge of medication B. And on day 11 through 15, he may be on medication C.

Is that right?

A. Yes, to an extent.

Q. Okay.

A. On a given day, they would be in charge of multiple products.

Q. Okay.

A. So it's not -- it could be two products; it could be five products. It's whatever the schedule required and the

availability of the equipment.

Q. Now, where does the schedule come from?

A. The schedule comes from the supply chain organization, scheduling group.

Q. All right. The scheduling group.

Is that an informal name that you have for the scheduling group or is that actually the name of the people who write the schedule?

A. It's more of a -- a name of a function. On this particular organizational chart, it's referred to as materials management.

Q. Is there anything about this chart that lets us know when it was drafted, when it was effected?

MR. MORIARTY: You're referring still to page -- Bates-stamped page 09?

MR. THOMPSON: Yes, sir.

MR. MORIARTY: All right.

A. Again, the only thing I can say

So if I ask you some really stupid questions, just bear with me.

What you'd said earlier was that if I look at the manufacturing operations, that the supervisor is going to receive some form of schedule that's going to tell him the drug that's going to be produced and the quantity; is that right?

A. That's correct.

Q. Is the schedule going to tell him which people to use?

A. No.

Q. He'll decide that for himself?

A. That's correct.

Q. Is the schedule that he receives going to tell him which machines to use?

A. Yes, it will.

Q. And how would that come to him? Will it give him a specific machine or just tell him a type of machine, or what form would that come to him?

A. It would indicate a specific machine.

Q. And will it tell him a specific press run -- a specific run, how many pills are going to be needed?

A. No, it will not.

Q. Where does that information -- how does that get put into the production?

A. There's -- for each product, there's a defined batch size. That's part of the master batch record.

Q. Now, let me see if I understand this. If they decide to produce drug A, there will be a schedule that comes out to produce drug A.

Does that take the form of a written document, the schedule?

A. Yes, it does.

Q. And what's the title of that document? I mean, how should I identify it? Is it like a form --

A. A production schedule.

Q. And the production schedule, will it designate which supervisor is supposed to produce that product?

A. No.

Q. Who decides which supervisor is going to be assigned to fulfilling that particular schedule production?

A. Supervisors have defined areas of coverage.

Q. And how do they have defined areas of coverage?

A. It's based on their experience. It's based on what they were hired for and their training.

Q. Now, my understanding is there's like 105 products that were made at the Little Falls plant before it closed in June of 2008?

A. I don't know that number.

Q. Well, do you know that it was a significant number?

A. It was a significant number, yes.

Q. And what are you telling me, that this significant number of pills, or this significant number of drugs, would they be divided permanently among supervisors --

A. No.

right?

A. There's one supervisor in charge of that area, yes.

Q. And so whatever came in to be encapsulated would flow down this chart to the supervisor, and then there looks like there are four dedicated operators; is that right?

A. Yes.

Q. Say, for example, you had a solid pill. Where would that go?

A. That would go through tableting.

Q. It looks like there's two supervisors there; is that right?

A. Yes.

Q. And it looks like there's a whole series of operators. 1, 2, 3, 4... 15?

A. Yes.

Q. Now, is there any effort to have a dedicated single person and single chain of command for a product line, for a single product?

A. No.

Q. Is the same machine used to make different drugs?
A. Yes.
Q. And I assume that there's some procedure for cleaning them out in between.
A. Yes.
Q. Does that fall within the area of quality assurance or where does that cleaning process fall?
A. What specific part of the cleaning process?
Q. You know, I hadn't thought to separate it out. I mean, the part where you clean out all the old drug and make sure that it's ready for the new drug.
A. The act of cleaning is governed by manufacturing or operations procedures.
Q. On this chart, who would that be? Would that just be an operator?
MR. MORIARTY: Which chart are you referring to?
MR. THOMPSON: I'm sorry. You're exactly right.
Q. The manufacturing operations

Q. I guess -- let me go ahead and ask this question: You notice that there's a director of quality assurance, and there's a director of quality control. And I think we've talked about how there's been some reorganization since the active date of this chart. But tell me the difference between those two functions.

A. Quality control is responsible for the analytical testing of raw materials and process materials, finished product and stability.

Quality assurance is responsible for documentation, training, quality engineering, which is annual product reviews, batch release, change control, and in-process production support such as auditors or inspectors.

Q. Now, the division that you've just told me, is there an SOP that addresses those responsibilities and their -- how they are -- the job requirements for each?

A. Yes.

Q. Now, let's look at number 22.